IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 12671 of 2000

Between:

1 Zilla Parishad High School Development Committe,

Zilla Parishad High School, Vonkuluru, Vajrapukottoru Mandal,
Rep by its Chairman, G.T.Naidu, S/o Yerrayya, R/o Vonkuluru,

Vajrapukotturu Mandal, Srikakulam District.
2 Zilla Parishad High School Development Committe,

Zilla Parishad High School, Vonkuluru, Vajrapukottoru Mandal,
Rep by its Chairman, L.Narayana, S/o Kormayya, R/o Vonkuluru,

Vajrapukotturu Mandal, Srikakulam District.

..... PETITIONERS

AND

1 Zilla Parishad High School, Rep by its Head master,
Vonkuluru via Akkupalli, Vajarapukotturu Mandal,
Srikakulam District .
2 State of A.P., Rep by its Principal Secretary,
Secretariat Building, Hyderabad.
3 State of A.P., Education Department, Rep by its Secretary,
Secretariat Building, Hyderabad.
4 The Director of School Education, A.P., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction particularly one in the nature of writ of Mandamus declaring the inaction of the respondents 2 to 4 herein in not filling up the sanctioned posts of teachers of Science (B.Ed.,), Grade-II Telugu Pandit, Physical Education Teacher(P.E.T), Craft Teacher and Juinor Assistant as well as in not granting sanction to fill up the posts of Panel Head Master, Mathematics(B.Ed.),

Social Studies (B.Ed.), Grade-I Telgu Pandit,
Grade-II Hindi Pandit, Natural Science (B.Ed.), Drawing Teacher and Night Watchman in the 1st Respondent-school herein as illegal, arbitrary null and void and for a consequential direction to the Respondents 2 to 4 herein to fill up the aforesaid posts forthwith in the 1st Respondent-school.

Counsel for the Petitioner:MR.M.V.SURESH

Counsel for the Respondent No.: GP FOR SCHOOL EDUCATION

The Court made the following :

ORDER :

The Zilla Parishad High School Development Committee and the Zilla Parishad High School Parents Committee seek a direction to respondents 2 to 4 to fill up five vacant posts in Zilla Parishad High School, Vonkuluru in Vajrapukotturu Mandal of Srikakulam District. They also seek a direction to respondents 2 to 4 to sanction eight additional posts for the School. It appears, first petitioner as well as the local M.L.A. sent number of representations to first respondent to do the needful, in vain. At last long they approached this Court in July, 2000.

This Court admitted the writ petition on 14-7-2000 and invited counter affidavit from respondents 2 to 4. Though, almost five years elapsed, no counter affidavit is filed on behalf of respondents 2 to 4.

Therefore, in the circumstances mentioned in the affidavit accompanying the writ petition, this Court is of considered opinion that the fourth respondent should look into the matter with utmost expediency and fill up all the vacant posts, within a period of four weeks from the date of receipt of a copy of this order. The first respondent shall also consider the request of the petitioner committees to sanction additional posts. It is made clear that if the order of this Court is not complied with, this Court shall have to take serious view having regard to the settled Constitutional position that right to education upto the age of fourteen years is a Fundamental Right and the respondents cannot be allowed to defeat the valuable right by their dereliction of duty.

The writ petition is accordingly disposed of with costs.

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(V.V.S.RAO, J.)

09-09-2004.

Msr.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Zilla Parishad High School, Rep by its Head master,
Vonkuluru via Akkupalli, Vajarapukotturu Mandal,
Srikakulam District .
2 State of A.P., Rep by its Principal Secretary,
Secretariat Building, Hyderabad.
3 State of A.P., Education Department, Rep by its Secretary,
Secretariat Building, Hyderabad.
4 The Director of School Education, A.P., Hyderabad.

5. 2CCs to Government Pleader for School Education,

High Court of A.P., Hyderabad.

6. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.12671 of 2000

09-09-2004.

(Msr)